

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Revisions to FCC Forms 470 and 471
Under The Paperwork Reduction Act
DA 10-1248 Released: July 1, 2010

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CC Docket No. 02-6

Comments of the Infinity Communications & Consulting, Inc

Infinity Communications & Consulting, Inc (ICC) is a technology design firm and manages the E-rate process for over 200 private and public school districts, libraries, and consortiums and has done so since 2003. Our smallest school has 6 students and our largest client has more than 150,000 students. Our clients are located in several western states and the Pacific Rim.

Our firm is a proud member of the E-Rate Management Professionals Association (E-mpa).

We polled our clients and also checked with several of our client's business/procurement departments and/or their legal counsels to get a consensus on some best practices the FCC should use as it relates to amending or revising the FCC Forms 470 and 471. Below we have documented their response. We have found our response is quite similar to the comments submitted by E-mpa, E-Rate Central and Kellogg & Sovereign, LLC.

When we first notified our clients that the FCC was considering eliminating the need in some cases the requirement to post a Form 470 almost all were universally in favor of completely eliminating the Form 470 if it meant it would help simplify the process. Upon further review and extended conversations, the tenor changed to the realization that it was better to just simplify and eliminating those parts of the Form 470 that are no longer needed.

We (ICC) believe the requirement to file a Form 470 significantly increases the amount and quality of competition for both Priority One and Priority Two services. When we first started filing Form 470s in the early 2000's, it was quite common that we would not be contacted at all by any vendors for Priority One services. Oftentimes, our Service Provider who was currently providing these services would not even respond. We then were forced to go through the formal review process required by USAC to document that we intended to stay with our current Service Provider. We have found that this has completely changed in the last two or three years. We now have multiple Service Providers that respond immediately after we file a Form 470 for a client. We attribute this to increased competition, more Service Providers that are aware of the Erate program and better outreach and training by USAC staff to Service Providers. We think the Applicant community also now does their part to seek multiple bidders since Erate rules are now better defined and followed. For several of our projects last year (Yr 2010) we had as many as 45+ Service Providers downloading RFP's off our website for one RFP/Bid. We have noted a significant increase in the amount of Service Providers that now bid on Erate projects that had never bid before. Even though we just started filing Year 2011 Form 470s last week for several of our clients, we have already received multiple requests for additional information on Priority One service offerings. If we did not have a requirement to post a Form 470, none of these potential Service Providers would have known that we were actively looking for Service Providers to bid on these services.

If the Form 470 filing requirement is eliminated, we believe it will be impossible for potential new Service Providers to become aware that an Applicant is looking for new services or other Service Providers that can offer the same service at a better price. Furthermore, for those smaller Applicants that do their own filing and may be unaware of their own state's procurement rules and guidelines, we believe they may become targets of unscrupulous Service Providers that reach out to them and provide a price for an Erate eligible service not knowing that other Service Providers would want to quote on the same service. In this case, the first Service Provider who contacts the Applicant will most likely win the business. We believe this will also significantly increase the cost of the service. No competition means higher cost.

Thinking about what information PIA would need that would help them do their job better, we believe it would be prudent to actually add a couple of boxes onto the Form 470 including a place to identify if the school is private or public, if it's a statewide application, or if it's a Head Start facility. Oftentimes, this additional information will help the PIA reviewer ask for the proper documentation.

As stated above, we do believe that eliminating any boxes that are not needed any more such as month-to-month or contract services, listing ineligible entities, and technology resources is only logical.

We concur with the comments made by E-mpa, Kellogg and Sovereign, LLC, and E-Rate Central that even though it would be very helpful to know if a consultant was helping an Erate Applicant with the Erate application, we don't believe listing that information on the Form 470 or Form 471 will help eliminate fraud, waste or abuse. As stated by many others, oftentimes many "consultants" will help and assist an Applicant with their Erate project. When multiple "consultants" help, how will multiple "consultants" be listed on the Form 470 or Form 471? What happens when an Applicant changes "consultants"? What happens if a disgruntled Service Provider calls in a Whistleblower Hotline call on one Applicant. Because that Erate consultant is listed on that one application, will all applications for that Erate consultant be held up as well?

We do feel it would be very beneficial that Erate consultants go through a similar application process such as Service Providers go through to get their Service Provider Identification Number (SPIN) and the application state rules and guidelines that Erate consultants must follow.

It seems premature to us that changing or amending the current Form 470 or Form 471 before the FCC acts on any comments or suggestions that would come out of the current Broadband initiative makes any sense. Also, switching forms after many Applicants have already filed Year 2011 Form 470s will most likely lead to confusion and possible double work if it's decided that current Applicants must re-file using the new forms.

Requiring the Applicant to supply an electronic online version of a Form 471 Item 21 Attachment when they electronically file their Form 471 prior to the Form 471 filing window is very problematic for many Applicants. Especially for large Applicants that have thousands and thousands of lines of several types of Priority One services, trying to download that information into a format that will work with the current online version of the Item 21 attachment is nearly impossible. Trying to get a Service Provider to help the Applicant transfer their information out of their database into a USAC approved form prior to the end of the Form 471 filing window would be an impossibility in many cases. We also know that many Applicants will ask their Service Providers to help and assist completing an Item 21 attachment form when a Priority Two project has been awarded to them. Oftentimes, the material list can be hundreds of lines long. Again, trying to transfer this information onto a current USAC Item 21 attachment form is not possible especially if it's towards the end of the Form 471 filing window. Unless USAC can figure out a way of accepting a PDF version of an Applicant's information in whatever form or format that it currently is in that they get from their Service Provider, we don't believe that many Applicant's will be able to complete this information before the window deadline.

Conclusion:

We appreciate the time and considerations dedicated by the Commission to these issues and are hopeful that this thorough review of current Erate rules and guidelines will strengthen and improve the program, both for USAC and the Applicants.

Submitted by:



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